IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 16027 of 2007(G)

PETITIONER:

P.R.AJAYAKUMAR, OLIKKAL HOUSE,
VALUYAKULAM, CHERUKULANJI P.O., RANNI.

BY ADV. SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS:

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1. VADASSERIKKARA GRAMA PANCHAYATH,
(SPECIAL GRADE), REP. BY ITS SECRETARY,
VADASSERYKARA, PATHANAMTHITTA.

2. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
PATHANAMTHITTA.

3. DISTRICT MEDICAL OFFICER (HEALTH,
PATHANAMTHITTA.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007 ALONG WITH W.P.(C) NO. 19418/07 J, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 16027 OF 2007 G

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF THE NOC ISSUED BY THE FIRST RESPONDENT PANCHAYAT TO THE PETITIONER DATED 25.4.1997.**
EXT.P2	**TRUE COPY OF THE LETTER ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER DATED 5.3.2007.**
EXT.P3	**TRUE COPY OF THE APPLICATION FOR NOC/LICENCE SUBMITTED BY PETITIONER BEFORE THE FIRST RESPONDENT DATED 9.5.2007.**
EXT.P4	**TRUE COPY OF THE LETTER ISSUED BY THE VETENARY SURGEON TO THE PETITIONER DATED NIL.**
EXT.P5	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER BEFORE THE FIRST RESPONDENT DATED 18.5.2007.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 16027/07 G & 19418/07J

Dated this the 26th June, 2007

JUDGMENT

Since these two Writ Petitions are connected, they are disposed of by a common Judgment.

Petitioner in W.P.(C) No.16027/07 has approached this Court alleging that he has started a Piggery in the year 1997 in his 6.5 Acres of Rubber Plantation in Survey No.170/538 of Vadasserikkara Village. It is his case that Ext.P1 NOC was given to him by the respondent Panchayat on condition that the construction of the building should be three metres away from the road margin and that it should be hundred metres away from the inhabited houses. It is his further case that the third respondent conducted an inspection through his Technical Assistant and the petitioner was permitted to continue the Piggery on fulfillment of the conditions in Ext.P2. Petitioner submitted Ext.P3 application for renewal of NOC/licence. He also relies on Ext.P4 Certificate issued by the Vetenary Surgeon,

Vetenary Dispensary, Cherukulanji. Complaint is that his application for renewal of NOC/licence is not being considered. Petitioner has also submitted Ext.P5 representation.

2. Petitioners in W.P.(C) No.19418/07 are persons who have approached this Court feeling aggrieved by the Piggery being conducted by the petitioner in W.P.(C) No.16027/07. It is stated that there are seven hundred pigs in the Pig Farm -cum- Slaughter House. It is pointed out that by Ext.P3, the respondent Panchayat issued a Stop Memo. Prayer in this Writ Petition is to direct the respondent Panchayat to enforce Ext.P3 Stop Memo, by closing down the unlicensed and illegal Pig Farm -cum- Slaughter House of the fourth respondent, who is the petitioner in W.P.(C) No.16027/07, within a short time.

3. Heard the learned counsel appearing for the petitioners, learned counsel for the respondent Panchayat and also the learned standing counsel appearing for the Pollution Control Board. It is, of course, pointed out by the learned counsel for the respondent Panchayat that Ext.P1, purporting to be a NOC,

is only a licence to construct the Piggery. In other words, the contention of the respondent Panchayat is that there is no licence granted to run Piggery as per the Rules. Of course, the case of the petitioner in W.P.(C) No.16027/07 is that the Piggery is being run in the land admeasuring 6.5 Acres . He would submit that having regard to all facts, the application submitted by him seeking licence should be considered and a decision taken either way. Learned counsel for the respondents , however, would point out that this is a case where the petitioner has taken the law into his own hands and they have no objection in granting some time to the petitioner to see that the pigs are removed. After having heard the learned counsel appearing for the parties, the Writ Petitions stand disposed of as follows:

There will be a direction in W.P.(C) No.16027/07 to the first respondent Panchayat to consider and take a decision in accordance with law as to whether licence could be granted to the petitioner under law. To facilitate an early decision in the matter, in view of the fact that the petitioner has started rearing

pigs even without licence and also the Panchayat issued Stop Memo in the other case, the petitioners in both the cases will be present either themselves or through their representatives before the first respondent Panchayat at 11 A.M. on 4.7.2007. The Panchayat will hear the parties as aforesaid and take a decision in accordance with law within a period one week from the date of hearing of the parties. In the meantime, it is further ordered that the petitioner will not acquire any new pigs, nor will he slaughter the pigs already in his possession. It is also made clear that it is open to the petitioner to effect sale of the pigs from his Farm till a decision is taken.

K. M. JOSEPH, JUDGE

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